

REMARK/ARGUMENTS

This amendment is in response to the Official Action mailed October 1, 2003. Claims 1-54 are pending in this application. Claims 37-54 are new. Claims 1-8, 12-14, 16-26, 28-32 and 34-36 have been amended.

The Examiner rejected claims 1, 4, 7, 9, 12, 13, 19, 22, 25, 27, 30 and 31 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,356,704 ("*Callway*"). In addition, the Examiner rejected claims 2, 3, 5, 6, 20, 21, 23 and 24 under 35 U.S.C. § 103(a) as being unpatentable over *Callway* in view of U.S. Patent No. 5,280,397 ("*Rhodes*"). The Examiner also rejected claims 14, 17, 32 and 35 under 35 U.S.C. § 103(a) as being unpatentable over *Callway* in view of U.S. Patent No. 6,374,036 ("*Ryan*"). As a final matter, the Examiner rejected claims 8, 10, 11, 15, 18, 26, 28, 29, 33 and 36 under 35 U.S.C. § 103(a) as being unpatentable over *Callway*.

Callway discloses a "method and apparatus for protecting access to audio and/or video data." (Abstract.) The data "is interpreted to determine whether an embedded data access parameter is active." (*Id.*) The data access parameter may comprise "copy restrictions, viewing restrictions, and/or use restrictions." (*Id.*) The data access parameter is provided to "a computer system such that unauthorized accessing, including unauthorized copying, of the video and/or audio data is prohibited." (*Id.*)

Graphics controller 20 of *Callway*, shown in Figures 1 and 4, monitors incoming video data 18 from a television, VCR or DVD for an embedded data access parameter. Graphics controller 20, as shown in Figure 4, includes analog-to-digital (A/D) converter 70 and protection detect circuit 72. As explained in *Callway* at column 4, lines 6-21 and as shown in Figure 4, A/D converter 70 first converts incoming video data 18 from an analog signal to a digital signal. In the alternative, video

digitizer 22 converts incoming video data 18 from an analog signal to a digital signal. In both cases, the digital signal then is provided to protection detect circuit 72 for determining whether an embedded data access parameter is present. This parameter indicates that viewing, use or copying of the video data is restricted. Protection detect circuit 72 provides the results of this determination to central processing unit 12 of computer system 60. The computer system restricts viewing, use or copying of the video data in accordance with the identified restrictions.

As explained in the present application, information added to a signal for indicating restrictions on use or copying of the signal often is lost when the signal's format is changed. The application describes a number of different changes in a signal's format that can result in the loss of this additional information including changing an analog signal to a digital signal. In order to avoid the use or copying of a signal in violation of the signal's additional information in an apparatus that converts the signal's format, the system and method of the present invention examines an input signal for additional information indicating restrictions on use or copying before the signal is converted to a different format. Use or copying of the converted signal then is restricted in accordance with the results of this examination of the input signal. As explained in the specification, the system and method of the present invention "reliably protects the copyright of an information signal in such a way that even if, for example, copy control information added, as additional information, to an information signal before signal conversion is lost as a result of the signal conversion, the signal is output by limiting the output of the information signal after the signal conversion or by preventing normal use in accordance with the additional

information added to the information signal before the signal conversion." (Page 21, lines 12-22.)

Claim 1 recites a signal conversion apparatus comprising "a signal conversion means for converting an input signal to a converted signal; determination means for examining said input signal for additional information added to said input signal and for determining whether or not said additional information indicates a use or limitation for said input signal; and use limitation means for disabling said converted signal when said use limitation indicates that copying of said input signal is prohibited or limited." Independent claims 19 and 37 contain similar limitations. Callway does not disclose or suggest such a signal conversion apparatus. Protection circuit 72 does not examine an "input signal for additional information" indicating restrictions on use or copying. On the contrary, protection detect circuit 72 examines for such additional information a signal whose format has been converted from that of the input signal, namely, the digital signal from A/D converter 70. Callway, therefore, teaches away from the present invention.


The other references cited by the Examiner do not overcome the deficiencies of Callway. Rhodes discloses a "television signal format converter... for converting without loss of picture information any high definition television format to or from a given recorder/player format." (Abstract.) Ryan discloses a method and apparatus for using a watermark in a video signal. Neither of these references addresses the problem of the present invention or provides a solution. The Examiner cited these references, moreover, only against Applicants' dependent claims. Applicants' pending claims are patentable, therefore, over Callway, Rhodes and Ryan, whether considered individually or in combination.

In view of the foregoing, Applicants respectfully request the timely issuance of a Notice of Allowance in this application. If for any reason the Examiner does not believe that such action can be taken at this time, however, he is respectfully requested to telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections that he may have.

If there are any additional charges in connection with this amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: December 19, 2003

Respectfully submitted,

By 
Arnold B. Dompieri
Registration No.: 29,736
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicants